

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 209 OF 2026

Ramasare Godhan Pal @ Raju (C-5631)

Petitioner

Versus

1. The State of Maharashtra

2. The Superintendent of Paithan
Open Prison, Chh. Sambhajinagar

Respondents

...

Ms. Sharda P. Chate, Advocate for the petitioner.
Mrs. M.N. Ghanekar, A.P.P. for respondents-State.

...

**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

Reserved on : 16.03.2026
Pronounced on : 17.03.2026

Order (Per Sandipkumar C. More, J.) :

1. Rule. Rule made returnable forthwith. By the consent of learned counsel for the petitioner as well as learned APP, heard finally at the stage of admission.

2. By way of this petition, the petitioner is taking exception to the order dated 23.01.2026 passed by respondent No.2, to the extent of providing surety for granting his release on furlough leave.

3. Learned counsel for the petitioner vehemently argued that the petitioner had applied for furlough leave vide application dated 12.07.2024, but it was belatedly granted under the impugned order dated 23.01.2026, whereby he was granted furlough leave of 28 days on furnishing P.R. bond of Rs.10,000/- with one surety (relative) in the like amount. According to her, this Court has already passed orders in so many matters to release the similarly situated petitioners only on furnishing personal bond and cash security instead of furnishing surety bond. She specifically pointed out that the application for furlough leave was filed by the petitioner prior to 02.12.2024 from which the new Rules for furlough leave were implemented. She placed reliance on the following judgments of this Court.

- (i) Judgment in Criminal Writ Petition No.11275 of 2019 (Shailendra Satyanarayan Thakur vs State of Maharashtra and others*
- (ii) Judgment in Criminal Writ Petition No.1798 of 2024 (Javed Bablu Pathan vs State of Maharashtra & ors)*
- (iii) Judgment in Criminal Writ Petition No.1450 of 2025 (Mansub Ismail Mulani vs State of Maharashtra and others*

4. On the contrary, learned A.P.P. strongly opposed the submissions made on behalf of the petitioner. According

to her, the petitioner is from Uttar Pradesh State, and therefore, surety bond is necessary, since, if the petitioner absconds, it would be better to secure his presence. She submitted that since the order has been passed after coming into force the Rules in respect of furlough and parole leave i.e. after 02.12.2024, furnishing surety bond is must under Rule 24 (1). She further submitted that though father of the petitioner was named as surety, but he himself refused to stand surety for his own son. Thus, the learned A.P.P. supported supported the impugned order.

5. Admittedly, the petitioner has been convicted for an offence punishable under Section 302 of the Indian Penal Code on 06.01.2020 by the Additional Sessions Court, Thane and sentenced to suffer life imprisonment alongwith fine and presently he is in Open Prison, Paithan. Moreover, it is not in dispute that he had sought furlough leave under application dated 12.07.2024 and it was decided granting him furlough leave on execution of surety bond of Rs. 10,000/-. The present petition is only against the condition of furnishing surety bond of Rs. 10,000/- and instead of that the petitioner is praying for deposit of cash security.

6. Though under Rules of 2024 in respect of furlough and parole leave, which came into existence on 02.12.2024, the execution of surety bond is made compulsory, but it is equally important to note that the application for furlough leave was filed by petitioner prior to coming into force of the said Rules and i.e. on 12.07.2024.

7. This Court, in Criminal Writ Petition No. 1450 of 2025 (Mansub Ismail Mulani vs State of Maharashtra and others), vide order dated 13.11.2025, has already observed that since the application for furlough leave by the then petitioner was preferred prior to coming into force the Rules of 2024, the Rule 24(1) of those Rules, being not in existence, could not be made applicable with retrospective effect.

8. In the instant case also, the petitioner had in fact applied for furlough leave for the first time on 12.07.2024 i.e. prior to 02.12.2024. Therefore, as per the earlier Rules of 2018, under Rule-6, there was discretion for jail authority to ask for personal bond only. Moreover, in the order dated 13.11.2025 in Writ Petition No. 1450 of 2025 (supra), this Court, by relying on the judgment of Full Bench of this Court in the case of *Dipak Sudhakar Wakalekar vs State of*

Maharashtra and others, held that a convict confined in open prison, can be released on parole or furlough on execution of his personal bond only.

9. In view of above, the impugned order dated 23.01.2026 can also be modified accordingly. As such, we partly allow the writ petition to the extent of setting aside the condition of furnishing surety bond of Rs.10,000/- in the impugned order dated 23.01.2026 and direct respondent No.2 to release the petitioner Ramasare Godhan Pal @ Raju, on execution of his P.R. bond of Rs. 10,000/- and deposit of cash security of Rs. 10,000/-.

10. Rule is made absolute in above terms.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE